

House Amendment 1746

PAG LIN

1 1 Amend the amendment, H=1745, to Senate File 430, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. Page 1, by inserting after line 2, the
1 5 following:
1 6 <#____. Page 1, by inserting before line 1 the
1 7 following:
1 8 <Section 1. Section 624.24, Code 2007, is amended
1 9 to read as follows:
1 10 624.24 WHEN JUDGMENT LIEN ATTACHES.
1 11 When the real estate lies in the county wherein the
1 12 judgment of the district court of this state or of the
1 13 circuit or district courts of the United States was
1 14 entered in the judgment docket and lien index kept by
1 15 the clerk of the court having jurisdiction, the lien
1 16 shall attach from the date of such entry of judgment,
1 17 but if in another it will not attach until an attested
1 18 copy of the judgment is filed in the office of the
1 19 clerk of the district court of the county in which the
1 20 real estate lies except for foreign judgments pursuant
1 21 to chapters 626A and 626B and tribal judgments as
1 22 defined in section 626D.2, which shall not attach
1 23 until an appeal is concluded, the time for the appeal
1 24 has expired, or the stay of execution has expired or
1 25 was vacated pursuant to section 626A.4, 626B.3,
1 26 626B.5, or 626D.7. In such cases, the lien shall
1 27 attach on the date the clerk of court files an
1 28 attested copy of the judgment in the office of the
1 29 clerk of the district court of the county in which the
1 30 real estate lies in any of the following
1 31 circumstances:
1 32 1. The foreign or tribal judgment has not been
1 33 appealed and the time for filing an appeal has
1 34 expired.
1 35 2. The foreign or tribal judgment has been
1 36 appealed and the judgment has been affirmed on appeal
1 37 and is not subject to further appeal.
1 38 3. An appeal from a foreign or tribal judgment has
1 39 been filed and a stay from such judgment has not been
1 40 granted by the district court to the appealing party.
1 41 Sec. _____. Section 626A.3, Code 2007, is amended by
1 42 adding the following new subsection:
1 43 NEW SUBSECTION. 4. The filing of a foreign
1 44 judgment under this chapter shall not create a lien
1 45 upon any real estate until after the expiration of the
1 46 time provided for in this chapter for challenging the
1 47 validity of the foreign judgment and pursuant to
1 48 section 624.24.
1 49 Sec. _____. Section 626B.6, Code 2007, is amended to
1 50 read as follows:
2 1 626B.6 OTHER FOREIGN JUDGMENTS.
2 2 1. This chapter does not prevent the recognition
2 3 of a foreign judgment by a court of this state in a
2 4 situation not specifically covered in this chapter.
2 5 2. The filing of a foreign judgment shall not
2 6 create a lien upon any real estate until all
2 7 challenges, if any, to the validity of the foreign
2 8 judgment are concluded pursuant to section 626B.3.
2 9 Upon final determination of the validity of the
2 10 foreign judgment, such judgment shall constitute a
2 11 lien on real estate pursuant to section 624.24.>>
2 12 #2. Page 1, by inserting after line 14 the
2 13 following:
2 14 <#____. Page 1, by inserting after line 30 the
2 15 following:
2 16 <3. The filing of a tribal judgment shall not
2 17 create a lien upon any real estate until such time as
2 18 all challenges, if any, to the validity of the tribal
2 19 judgment are concluded pursuant to sections 626D.4 and
2 20 626D.5. Upon final determination of the validity of
2 21 the tribal judgment, the judgment shall constitute a
2 22 lien upon real estate pursuant to section 624.24.>>
2 23 #3. By renumbering as necessary.
2 24

2 25
2 26
2 27 SWAIM of Davis
2 28
2 29
2 30
2 31 STRUYK of Pottawattamie
2 32
2 33
2 34
2 35 ANDERSON of Page
2 36
2 37
2 38
2 39 WENDT of Woodbury
2 40
2 41
2 42
2 43 SCHUELLER of Jackson
2 44
2 45
2 46
2 47 PALMER of Mahaska
2 48
2 49
2 50
3 1 R. OLSON of Polk
3 2
3 3
3 4
3 5 OLDSON of Polk
3 6
3 7
3 8
3 9 T. OLSON of Linn
3 10
3 11
3 12
3 13 HUSER of Polk
3 14
3 15
3 16
3 17 PAULSEN of Linn
3 18
3 19
3 20
3 21 STAED of Linn
3 22 SF 430.505 82
3 23 rh/je/9154